

REFERENCE TITLE: photo enforcement; traffic offenses

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2411

Introduced by
Representatives Smith: Biggs, Burges, Gorman, Weiers JP

AN ACT

AMENDING SECTIONS 28-645, 28-701 AND 28-1598, ARIZONA REVISED STATUTES;
RELATING TO PHOTO ENFORCEMENT OF TRAFFIC LAWS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-645, Arizona Revised Statutes, is amended to
3 read:

4 **28-645. Traffic control signal legend**

5 A. If traffic is controlled by traffic control signals exhibiting
6 different colored lights or colored lighted arrows successively one at a time
7 or in combination, only the colors green, red and yellow shall be used,
8 except for special pedestrian signals carrying a word legend. The lights
9 shall indicate and apply to drivers of vehicles and pedestrians as follows:

10 1. Green indication:

11 (a) Vehicular traffic facing a green signal may proceed straight
12 through or turn right or left unless a sign at that place prohibits either
13 turn. Vehicular traffic, including vehicles turning right or left, shall
14 yield the right-of-way to other vehicles and to pedestrians lawfully within
15 the intersection or an adjacent crosswalk at the time the signal is
16 exhibited.

17 (b) Vehicular traffic facing a green arrow signal, shown alone or in
18 combination with another indication, may cautiously enter the intersection
19 only to make the movement indicated by such arrow or such other movement as
20 is permitted by other indications shown at the same time. Vehicular traffic
21 shall yield the right-of-way to pedestrians lawfully within an adjacent
22 crosswalk and to other traffic lawfully using the intersection.

23 (c) Unless otherwise directed by a pedestrian control signal as
24 provided in section 28-646, pedestrians facing any green signal, except if
25 the sole green signal is a turn arrow, may proceed across the roadway within
26 any marked or unmarked crosswalk.

27 2. Steady yellow indication:

28 (a) Vehicular traffic facing a steady yellow signal is warned by the
29 signal that the related green movement is being terminated or that a red
30 indication will be exhibited immediately thereafter when vehicular traffic
31 shall not enter the intersection.

32 (b) Unless otherwise directed by a pedestrian control signal as
33 provided in section 28-646, pedestrians facing a steady yellow signal are
34 advised by the signal that there is insufficient time to cross the roadway
35 before a red indication is shown and a pedestrian shall not then start to
36 cross the roadway.

37 3. Red indication:

38 (a) Except as provided in subdivisions (b) and (c) of this paragraph,
39 vehicular traffic facing a steady red signal alone shall stop before entering
40 the intersection and shall remain standing until an indication to proceed is
41 shown. **EXCEPT AS PROVIDED IN SUBDIVISION (e) OF THIS PARAGRAPH**, on receipt
42 of a record of judgment for a violation of this subdivision or an act in
43 another jurisdiction that if committed in this state would be a violation of
44 this section, the department shall order the person to attend and
45 successfully complete traffic survival school training and educational

1 sessions within sixty days after the department issues the order.
2 Notwithstanding section 28-3315, if the person fails to attend or
3 successfully complete traffic survival school training and educational
4 sessions, the department shall suspend the person's driving privilege
5 pursuant to section 28-3306 until the person attends and successfully
6 completes traffic survival school training and educational sessions. A
7 person whose driving privilege is suspended pursuant to this subdivision may
8 request a hearing. If the person requests a hearing, the department shall
9 conduct the hearing as prescribed in section 28-3306. A law enforcement
10 officer or a jurisdiction issuing a citation to a person who violates this
11 subdivision shall provide written notice to the person that if eligible, the
12 person may attend defensive driving school or, if not eligible or if the
13 person chooses not to attend defensive driving school and is ~~convicted~~ FOUND
14 RESPONSIBLE or enters a plea of responsible for a violation of this
15 subsection, the person must attend and successfully complete traffic survival
16 school training and educational sessions. The notice shall include a
17 reference to red light violations and state that if the person is required to
18 attend traffic survival school the person will receive notice from the motor
19 vehicle division.

20 (b) The driver of a vehicle that is stopped in obedience to a red
21 signal and as close as practicable at the entrance to the crosswalk on the
22 near side of the intersection, or if there is no crosswalk, then at the
23 entrance to the intersection, may make a right turn but shall yield the
24 right-of-way to pedestrians and other traffic proceeding as directed by the
25 signal. A right turn may be prohibited against a red signal at any
26 intersection if a sign prohibiting the turn is erected at the intersection.

27 (c) The driver of a vehicle on a one-way street that intersects
28 another one-way street on which traffic moves to the left shall stop in
29 obedience to a red signal but may then make a left turn into the one-way
30 street. The driver shall yield the right-of-way to pedestrians and other
31 traffic proceeding as directed by the signal at the intersection, except that
32 such left turn may be prohibited if a sign prohibiting the turn is erected at
33 the intersection.

34 (d) Unless otherwise directed by a pedestrian control signal as
35 provided in section 28-646, a pedestrian facing a steady red signal alone
36 shall not enter the roadway.

37 (e) IF A PERSON RECEIVES A CITATION FOR A VIOLATION OF SUBDIVISION (a)
38 OF THIS PARAGRAPH AND THE CITATION RESULTS FROM PHOTO ENFORCEMENT, BOTH OF
39 THE FOLLOWING APPLY:

40 (i) THE PERSON IS NOT SUBJECT TO THE TRAFFIC SURVIVAL SCHOOL
41 REQUIREMENTS OF SUBDIVISION (a) OF THIS PARAGRAPH.

42 (ii) IN THE DRIVER POINT SYSTEM ESTABLISHED BY THE DEPARTMENT BY RULE,
43 THE DEPARTMENT SHALL NOT ASSESS ANY POINTS TO THE PERSON.

1 B. If an official traffic control signal is erected and maintained at
2 a place other than an intersection, this section applies except as to those
3 provisions of this section that by their nature can have no application. Any
4 stop required shall be made at a sign or marking on the pavement indicating
5 where the stop shall be made, but in the absence of a sign or marking the
6 stop shall be made at the signal.

7 C. The driver of a vehicle approaching an intersection that has an
8 official traffic control signal that is inoperative shall bring the vehicle
9 to a complete stop before entering the intersection and may proceed with
10 caution only when it is safe to do so. If two or more vehicles approach an
11 intersection from different streets or highways at approximately the same
12 time and the official traffic control signal for the intersection is
13 inoperative, the driver of each vehicle shall bring the vehicle to a complete
14 stop before entering the intersection and the driver of the vehicle on the
15 left shall yield the right-of-way to the driver of the vehicle on the right.

16 Sec. 2. Section 28-701, Arizona Revised Statutes, is amended to read:

17 28-701. Reasonable and prudent speed; prima facie evidence;
18 exceptions; driver point system

19 A. A person shall not drive a vehicle on a highway at a speed greater
20 than is reasonable and prudent under the circumstances, conditions and actual
21 and potential hazards then existing. A person shall control the speed of a
22 vehicle as necessary to avoid colliding with any object, person, vehicle or
23 other conveyance on, entering or adjacent to the highway in compliance with
24 legal requirements and the duty of all persons to exercise reasonable care
25 for the protection of others.

26 B. Except as provided in subsections C and D of this section or except
27 if a special hazard requires a lesser speed, any speed in excess of the
28 following speeds is prima facie evidence that the speed is too great and
29 therefore unreasonable:

- 30 1. Fifteen miles per hour approaching a school crossing.
- 31 2. Twenty-five miles per hour in a business or residential district.
- 32 3. Sixty-five miles per hour in other locations.

33 C. The speed limits prescribed in this section may be altered as
34 authorized in sections 28-702 and 28-703.

35 D. The maximum speed provided in this section is reduced to the speed
36 that is reasonable and prudent under the conditions and with regard to the
37 actual and potential hazards then existing, including the following
38 conditions:

- 39 1. Approaching and crossing an intersection or railroad crossing.
- 40 2. Approaching and going around a curve.
- 41 3. Approaching a hillcrest.
- 42 4. Traveling on a narrow or winding roadway.
- 43 5. A special hazard exists with respect to pedestrians or other
44 traffic or by reason of weather or highway conditions.

1 E. A person shall not drive a motor vehicle at a speed that is less
2 than the speed that is reasonable and prudent under existing conditions.

3 F. IN THE DRIVER POINT SYSTEM ESTABLISHED BY THE DEPARTMENT BY RULE,
4 THE DEPARTMENT SHALL NOT ASSESS ANY POINTS TO A PERSON FOR A VIOLATION OF
5 THIS SECTION IF THE VIOLATION WAS DETECTED BY PHOTO ENFORCEMENT.

6 Sec. 3. Section 28-1598, Arizona Revised Statutes, is amended to read:
7 28-1598. Maximum civil penalty

8 A. Except as otherwise provided, a civil penalty imposed pursuant to
9 this article shall not exceed two hundred fifty dollars. In addition, the
10 court shall levy penalty assessments pursuant to sections 12-116.01 and
11 12-116.02.

12 B. IF A PERSON IS FOUND RESPONSIBLE FOR A CIVIL TRAFFIC VIOLATION
13 UNDER THIS TITLE BY MEANS OF PHOTO ENFORCEMENT, THE CIVIL PENALTY IMPOSED
14 PURSUANT TO THIS ARTICLE SHALL NOT EXCEED ONE HUNDRED DOLLARS.